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February 15, 2008

VIA FACSIMILE: 212-805-7901

The Honorable Harold Baer
United States District Judge
Daniel Patrick Moynihan
500 Pearl Street, Room 2230
New York, NY 10007

Re: Gustavo Bermudez v. City of New York Police Department, et al.
Docket No.: 1:07-cv-9537 (HB)

Dear Your Honor:

On February 7, 2008 a pretrial conference in the above referenced matter was held before Your Honor wherein Your Honor requested that the parties submit a letter to the Court indicating whether they wish to proceed with a hearing pursuant to 18 U.S.C. §983(e), Motion to Set Aside Forfeiture.

Counsel for the plaintiff, Gustavo Bermudez, and the defendant, United States Drug Enforcement Administration, discussed the matter and would like to proceed with a hearing pursuant to the aforementioned statute. It is my recollection that Your Honor indicated that said hearing would be scheduled in 30 days time. However, I respectfully request that the hearing be scheduled after March 31, 2008 as I am on a strict discovery schedule in the matter of Session v. Rodriguez, et al., Docket No. 3:03-cv-00943, for the next several weeks. Furthermore, I am also scheduled for two trials in the Superior Court of the State of Connecticut on two, and possibly three, separate matters during the month of March.

Finally, counsel for the plaintiff and the defendant, United States Drug Enforcement Administration, have agreed that counsel for the City of New York Police Department need not participate in said hearing.

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Thank you for your time and consideration in this matter.

Respectfully Submitted,

Karen L. Mayer

Karen L. Mayer

Federal Juris No. KM6555

RMK/sr

cc: David M. Hazan, Esq. (Via Facsimile: 212-788-9776 & U.S. First Class Mail)
 Philip S. Frank, Esq. (Via Facsimile: 212-788-9776 & U.S. First Class Mail)
 Sharon E. Frase, Esq. (Via Facsimile: 212-637-0421 & U.S. First Class Mail)

I'm delegating to hear your business is planning - my agenda however is a little different. Nonetheless I'll put the matter on to early April. I have several trials that month so when I get around the AVSA & Mr. Degutz Dennis Swais I'll let you know. I don't have a letter with any need to date by March 4th or I will schedule the hearing for sometime in March. I'll let you know while I am in Port I - this past 2 weeks of March.

Harold Baer, Jr., U.S.D.J.

Date:

2/22/08

Endorsement:

I'm delighted to hear your business is flourishing - my agenda however is a little different. Nonetheless I'll put the matter over to early April. I have several trials that month so why don't you and the AUSA and my Deputy Dennis Swain work it out. If I don't have a letter with an agreed to date by March 4, 2008 I will schedule the hearing for some time in March likely while I am in Part I - the last two weeks of March.